

REMARKS

Applicants thank the Examiner for consideration of the subject patent application. In the office action mailed May 17, 2007, Claims 81-102 were pending, and made subject to a restriction requirement under 35 U.S.C. § 121. Particularly, the Examiner indicated that Claims 81-86 and 98-102 were drawn to a method of improving cognitive function using a transdermal device comprising huperzine in an adhesive matrix, (Group I), Claims 87-89 were drawn to a method of improving cognitive function by transdermal administration of huperzine formulation and a hormone, (Group II), and Claims 90-97 were drawn to a method of improving cognitive function by transdermal administration of huperzine formulation and a treatment agent selected from a specific group of agents, (Group III).

The Examiner also indicated that the claims of Group I contained a number of patentably distinct species of both adhesive matrix and penetration enhancer. Particularly, the Examiner indicated the following species of adhesive matrix: 1) acrylate polymer; and 2) rubber based pressure sensitive adhesives. Further, the Examiner indicated the following species of penetration enhancer: fatty acids, fatty acid esters, fatty alcohols, fatty acid esters of lactic acid, fatty acid esters of glycolic acid, amides, amines, pyrrolidones, glycerol triesters, and terpenes. Additional species of penetration enhancer were identified as: glycerol monolaurate, glycerol monolinoleate, glycerol monooleate, isopropyl myristate, isopropyl palmitate, methyl laurate, lauric acid, lauryl alcohol, lauryl lactate, oleic acid, sorbitan monolaurate, sorbitan monooleate, triacetin, and terpenes. Claim 81 was indicated to be generic as to the species of adhesive matrix and the first group of penetration enhancers. Claim 98 was indicated to be generic to the second group of penetration enhancers.

As recited above, Applicants have elected the adhesive matrix species of acrylate polymer, and the penetration enhancer species of fatty acid esters and lauryl lactate. Therefore claims readable upon the acrylate polymer species of adhesive matrix within the elected Group I include, generic Claim 81, as well as Claims 82-86 and 102. Claims readable upon the fatty acid esters penetration enhancer species include generic Claim 81, as well as Claims 82-86, and Claims 98, 100, and 102. Finally, Claims readable upon the lauryl lactate species of penetration enhancer include generic Claim 98, as well as Claims 100 and 102.

Therefore, pursuant to the present election, Claims 81-86 98, 100, and 102 remain for consideration in the present patent application, and Claims 87-97, 99, and 101 are withdrawn from consideration. However, upon allowance of a generic claim Applicants are entitled to consideration of claims to any additional species not elected.

CONCLUSION

If any impediment remains to examination after consideration of the above-recited remarks, which could be removed during a telephone interview, the Examiner is invited to telephone the undersigned attorney at (801) 566-6633 so that such issues may be resolved as expeditiously as possible.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 20-0100.

DATED this 18th day of June.

Respectfully submitted,

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